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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LEWIS ANDERSON,

12 Plaintiff,

13 v.

14 XAVIER BECERRA, *Attorney General for*
15 *the State of California, et al.,*

16 Defendants.
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No. 1:20-cv-00068-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT

(Doc. No. 7, 11)

18 Plaintiff Lewis Anderson is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On February 6, 2020, the assigned magistrate judge issued findings and recommendations,
22 recommending that plaintiff's motion for summary judgment be denied without prejudice. (Doc.
23 No. 11.) As the magistrate judge noted in those findings and recommendations, this action only
24 commenced on January 14, 2020, and a motion for summary judgment filed pre-answer and pre-
25 discovery will usually be judged premature, even if in technical compliance with Federal Rule of
26 Civil Procedure 56. (Doc. No. 11 at 2.) Moreover, plaintiff's motion fails to comply with Local
27 Rule 260(a), as it does not contain a Statement of Undisputed Facts that enumerates the evidence
28 on which plaintiff is relying for his motion. The findings and recommendations were served on

1 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
2 days after service. (*Id.* at 3.) No objections have been filed, and the time in which to do so has
3 passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
5 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
6 court concludes that the findings and recommendations are supported by the record and by proper
7 analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on February 5, 2020 (Doc. No. 11) are
10 adopted in full;
- 11 2. Plaintiff's motion for summary judgment (Doc. No. 7) is denied without prejudice;
12 and
- 13 3. The matter is referred back to the assigned magistrate judge for further
14 proceedings.

15 IT IS SO ORDERED.

16 Dated: **April 8, 2020**

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19 UNITED STATES DISTRICT JUDGE
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